

REMARKS

Applicants submit these Remarks in reply to the Final Office Action mailed January 4, 2010.¹ In the Final Office Action, the Examiner rejected claims 41, 46-49, 51, 54-56, 59-62, 64, 79, and 81-85² under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,061,018 ("Sheynblat") in view of U.S. Patent No. 6,756,938 ("Zhao"). The Examiner also rejected claims 50 and 63 under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Sheynblat* in view of *Zhao* and further in view of U.S. Patent Publication No. 2001/0046869 ("Cedervall").

By this Amendment, Applicants amend claims 41, 53, 55, and 66, and cancel claims 51-52, 56, 64-65, 79, 81-82, and 85. Claims 41, 46-50, 53-55, 59-63, 66, and 83-84 remain pending. No new matter has been added. In view of the Examiner's statement in the Final Office Action that "Claim 52-53 & 65-66 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims," (Final Office Action at 5) Applicants respectfully submit that entry of this Amendment will place claims 41, 46-50, 53-55, 59-63, 66, and 83-84 in condition for allowance. Therefore, Applicants request these claims be timely allowed.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

² The Final Office Action states that claims "41, 46-49, 51, , 54, 56, 59-62, 64, 82-85" are rejected under § 103(a). However, the Examiner's arguments appear to include claims 55, 79, and 81 within that rejection. See Final Office Action at 2.

I. Section 103 Rejection of Claims 41, 46-49, 51, 54-56, 59-62, 64, 79, and 81-85

The Final Office Action rejected claims 41, 46-49, 51, 54-56, 59-62, 64, 79, and 81-85 under 35 U.S.C. §103(a) for allegedly being unpatentable over *Sheynblat* in view of *Zhao*.

By this Amendment, Applicants amend independent claims 41 and 55 to include the subject matter of dependent claims 52 and 65, respectively, along with their corresponding intervening dependent claims 51 and 64, and cancel claims 51-52, 56, 64-65, 79, 81-82, and 85. Applicants submit that, as amended, independent claim 41 overcomes the Examiner's rejection for at least the reason that it recites the steps of:

determining the distance between said new set of values of said location coordinates and said first set of values of said location coordinates;

comparing said distance with a threshold indicative of the degree of accuracy pursued in the location action; and

if said distance is higher than said threshold, starting an iterative process wherein said area likely to include the mobile terminal is re-defined on the basis of said satellite signals from said satellite-based system and the latest value available for said altitude coordinate and said steps of affecting said bi-dimensional positioning, accessing said geographical data base and associating to the bi-dimensional positioning coordinates of said mobile terminal within said area a corresponding value for said altitude coordinate are repeated, wherein said steps of bi-dimensional positioning are effected over said re-defined area.

Independent claim 55 has been amended to include similar subject matter.

As amended, independent claims 41 and 55 are nonobvious in light of the art of record. *Sheynblat* fails to disclose or render obvious the steps cited above, and this deficiency is not cured by *Zhao* or the combination of *Sheynblat* and *Zhao*. Furthermore, in the Final Office Action, the Examiner identified allowable subject matter in claims 52-53 and 65-66 and indicated that these claims would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Final Office Action at 5.

Accordingly, Applicants submit that independent claims 41 and 55, and claims 46-49, 54, 59-62, and 83-84, which depend directly or indirectly from either claim 41 or 55, are patentably distinguishable from the art cited in the Final Office Action.

II. Section 103 Rejection of Claims 50 and 63

The Final Office Action rejected claims 50 and 63 under 35 U.S.C. § 103(a) for allegedly being unpatentable over *Sheynblat* in view of *Zhao* and further in view of *Cedervall*.

As explained above, Applicants have amended independent claims 41 and 55 to include the subject matter of dependent claims 52 and 65, respectively, along with any intervening dependent claims. As amended, independent claims 41 and 55 are nonobvious in light of the art of record. *Sheynblat* fails to disclose or render obvious the steps cited above, and this deficiency is not cured by *Zhao*, *Cedervall*, or any combination of *Sheynblat*, *Zhao*, and *Cedervall*. Furthermore, in the Final Office Action, the Examiner identified allowable subject matter in claims 52-53 and 65-66 and indicated that these claims would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Final Office Action at 5.

Accordingly, Applicants submit that claims 50 and 63, which depend from independent claims 41 and 55, respectively, are patentably distinguishable from the art cited in the Final Office Action.

III. Conclusion

The preceding remarks are based only on the assertions in the Final Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Final Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other possible bases of patentability.

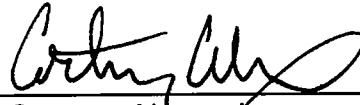
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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